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3531st Council meeting

General Affairs

Cohesion policy

Luxembourg, 25 April 2017

President

Ian Borg

Parliamentary Secretary for the Maltese Presidency and
EU Funds

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's internet site or may be obtained from the Press Office.

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ITEMS DEBATED**Omnibus regulation**

The presidency updated ministers on the state of play of a legislative proposal **simplifying the rules governing the European structural and investment funds**.

Work on the cohesion part of the so-called omnibus legislative proposal has been concluded at technical level in the Council. In general, member states support the adjustments proposed by the Commission to make the life of both managing authorities and beneficiaries easier. Once technical work on the other parts of the omnibus legislative proposal has been finalised, the Council's Permanent Representatives Committee will be invited to provide the presidency with a negotiating mandate for the discussions with the European Parliament.

The presidency also informed ministers on the agreement reached within the Council on 29 March 2017 to **enhance EU support to member states affected by natural disasters**.

(www.consilium.europa.eu/en/press/press-releases/2017/03/29-natural-disasters)

Bringing cohesion policy closer to the citizens

The Council exchanged views on how the results of cohesion policy can be made more visible to the citizens and how the cohesion policy can bridge the gap between the EU and its citizens. Ministers expressed the view that cohesion policy, if well communicated, has the potential to convince European citizens of the advantages of a common and solidary EU policy for them. They welcomed the Commission's ideas on how to better communicate cohesion policy and looked forward to the Commission's communication action plan. Ministers also stressed that the specific characteristics of each member state need to be taken into account in the regional and national communication strategies.

The Council also adopted the following conclusions on making cohesion policy more effective, relevant and visible to the citizens:

"THE COUNCIL OF THE EUROPEAN UNION:

- (1) RECALLS its conclusions of 16 November 2016 on results and new elements of Cohesion Policy and the European Structural and Investment Funds¹;

¹ 14542/16.

- (2) RECALLS that, pursuant to Article 174 of the Treaty on the Functioning of the European Union (TFEU), in order to promote its overall harmonious development, the Union is to develop and pursue its actions leading to the strengthening of the economic, social and territorial cohesion of the Union, in particular to reduce disparities between the levels of development of the various regions, through action specified in Article 175 TFEU;

Effectiveness and relevance of Cohesion Policy

- (3) WELCOMES the Commission's Ex-post evaluation of the 2007-2013 European Social Fund (ESF) Programmes¹, which reinforces the findings provided by the "Ex-post evaluation of the European Regional Development Fund and Cohesion Fund 2007-2013"², regarding the measurable economic and social impact of the Structural and Cohesion Funds, their contribution to mitigate the impact of the economic crisis and the effectiveness of programmes in helping millions of European citizens;
- (4) NOTES that, as set out in the above mentioned ex-post evaluations, there are tangible results which can make an important contribution to European integration and to increasing the visibility of Cohesion policy, such as
- a) 121 400 start-ups and an estimated number of 400 000 SMEs were financially supported, and 1 million jobs were created;
 - b) 94 955 research projects and 33 556 cooperation projects between SMEs and research centres were supported, and 41 600 new long-term research related jobs were created;
 - c) 4 900 km of roads, mostly motorways, including 2 400 km of TEN-T networks were constructed, and 1 500 km of TEN-T railway were upgraded;
 - d) 6 million people were connected to new or improved drinking water networks and 7 million people to new or upgraded wastewater treatment facilities;
 - e) 49.7 million participations were registered in human capital interventions, of which at least 46% have been recorded for the achievement of qualifications (13%), employment (8%), and enhanced skills or competencies, or other positive results (25%);

¹ Doc. 15556/16.

² Doc. 12371/16.

- (5) WELCOMES the first Commission Summary Report on the Annual Implementation Reports of Member States for the period 2014-2015¹, and ACKNOWLEDGES the efforts made by Member States to reinforce, during the start-up phase of the 2014-2020 ESI Funds, strategies and mechanisms capable of delivering effective investment, as well as the first implementation progress reported;
- (6) CONSIDERS that through the measures, introduced in the 2014-2020 legislative framework linking the programming of ESI Funds to sound economic governance, and relevant country-specific recommendations within the context of the European Semester, Cohesion Policy and the ESI Funds have contributed to support structural reforms;
- (7) REITERATES that while the fulfilment of ex-ante conditionalities sometimes requires significant time and resources to implement legislative changes or complex reforms, they have a positive effect on the overall investment environment, the strengthening of administrative capacity and good governance in many Member States;
- (8) CONSIDERS that Cohesion Policy and the ESI Funds have a proven positive economic, social and territorial impact as they involve Member States and regions towards strengthening European integration by responding to the concerns of EU citizens and increase their trust in the EU through solutions best tailored to their needs;

Communicating Cohesion Policy to EU citizens

- (9) ACKNOWLEDGES that Cohesion Policy is a key EU policy supporting investments for growth and creating jobs with its unique multilevel governance and implementation mode together with the strong involvement of local, regional and national actors, and is an important tool which contributes towards bringing the EU closer to the citizens, allowing them to directly experience the results and added value of the European project;
- (10) RECOGNISES that Cohesion Policy reinforces the European project as it directly serves EU citizens and mobilizes them to communicate, cooperate and take up joint initiatives, and supports the convergence between Member States and regions; CONSIDERS that by strengthening economic, social and territorial cohesion, Cohesion Policy is a strong expression of solidarity;

¹ Doc. 15784/16.

- (11) NOTES that Cohesion Policy and the ESI Funds are implemented across the Union and support projects which are tangible and visible on the ground, therefore possessing significant potential to affect perceptions of the EU by EU citizens; CONSIDERS that such potential should be better harnessed for raising awareness on the positive impact that the European Union can have on the everyday life of EU citizens;
- (12) RECOGNISES that further efforts are required by Member States and the Commission to increase the visibility and the positive image of Cohesion Policy and the ESI Funds, and to show that they represent a tangible and beneficial manifestation of the EU in the daily life of European citizens by providing them with better living and working conditions as well as better opportunities for the development of skills. In this context, and in order to further increase the visibility of the policy, both towards EU citizens and political decision-makers, INVITES:
- a) Member States to communicate the advantages Europe offers to citizens;
 - b) the Commission and Member States, including their managing authorities, to enhance cooperation on their communication strategies on Cohesion Policy and the ESI Funds where appropriate and respecting the principle of proportionality; in this context, LOOKS FORWARD to the upcoming Commission action plan on communication;
 - c) the Commission to outline and disseminate good practice on communication measures which can best illustrate the positive contribution made by Cohesion Policy and the ESI Funds, in particular towards improving the life of European citizens on the ground;
 - d) beneficiaries and authorities of the Member States to communicate widely and in a systematic way the results, benefits and long term impact of the policy;
 - e) all stakeholders to make the best use of available communication tools, including new communication techniques, to increase the visibility of the policy in a way adapted to the needs of relevant target groups;

Further Simplification of Cohesion Policy post 2020

- (13) UNDERLINES that simplification efforts should not only target beneficiaries, but also the bodies responsible for managing and implementing the Policy;

- (14) STRESSES that simplification efforts should aim at reducing costs of administration, where they are disproportionate, and that therefore a better application of proportionality and, as an option, the introduction of differentiation into the implementation of ESI Funds programmes, based on transparent and objective criteria, should be carefully explored for post 2020 without prejudice to future decisions;
- (15) RECOGNISES that good governance is an important element in the implementation and monitoring of Cohesion Policy and the ESI Funds;
- (16) EMPHASIZES the need for further simplification of the policy post 2020, inter alia regarding the shared management and audit systems, thereby ensuring a better ownership and responsibility for the policy implementation among stakeholders; in this respect, it is crucial to find the right balance between the result orientation of the policy and the level of checks and controls as well as simplification of procedures, including for the audit process, which should be proportional, preventive and predictable whilst taking into account the outcomes of national control and audit authorities;

A forward looking policy that addresses future challenges

- (17) RECALLS the importance of Cohesion Policy for achieving the aims set out in Art. 174 of the TFEU beyond 2020;
- (18) EMPHASIZES that Cohesion Policy post-2020 must therefore be a proactive, forward looking policy, which is sufficiently flexible to address new challenges and facilitate the development of innovative solutions throughout the EU, while continuing to provide a stable and predictable investment and cooperation framework to reduce the disparities between the levels of development of the various regions;
- (19) UNDERLINES that in order to achieve the desired impact and added value of Cohesion Policy, a 'one size fits all' approach is not optimal; the policy, its delivery mechanism, legal framework and interpretations need to take account of different social, territorial and economic realities to address the specific situations on the ground;
- (20) LOOKS FORWARD to the 7th Cohesion Forum, which will be organised by the Commission on 26-27 June 2017, and the Seventh Report on economic, social and territorial cohesion, to be issued by the Commission in Autumn 2017;

- (21) INVITES the Commission to seek the policy dialogue with Member States in the preparatory process for the post 2020 period, building on existing structures, and REITERATES its call on the Commission to submit its proposals for Cohesion Policy post-2020 as soon as possible in 2018, with a view to allowing a timely agreement between the co-legislators and an early start of the programming process;
- (22) REMAINS COMMITTED to a regular political debate among relevant ministers in the General Affairs Council to discuss Cohesion Policy and the ESI Funds."

EU macro-regional strategies

The presidency informed ministers about the work carried out in the Council following the report by the Commission on the implementation of the EU macro-regional strategies. The Council adopted the following conclusions on this topic:

"THE COUNCIL OF THE EUROPEAN UNION

- (1) RECALLS its conclusions setting up the four current macro-regional strategies of the Union, namely the EU Strategy for the Baltic Sea Region (EUSBSR) of 2009, the EU Strategy for the Danube Region (EUSDR) of 2011, the EU Strategy for the Adriatic and Ionian Region (EUSAIR) of 2014 and the EU Strategy for the Alpine Region (EUSALP) of 2015¹, as well as its conclusions of 22 October 2013 on the added value of Macro-regional strategies² and of 21 October 2014 on the governance of macro-regional strategies³;
- (2) RECALLS its conclusions of 27 November 2015 on EUSALP, asking the European Commission to draft a report every two years, starting end 2016, on the implementation of EUSALP, and taking note of the Commission's intention to draft a single report every two years, starting end 2016, describing the progress made towards the implementation of all macro-regional strategies;

¹ Council conclusions on the European Union Strategy for the Baltic Sea Region (doc. 13744/09), Council conclusions on the European Union Strategy for the Danube Region (doc. 8388/11 + ADD 1 REV 1), Council conclusions on the European Union Strategy for the Adriatic and Ionian Region (doc. 13503/14) and Council conclusions on the European Union Strategy for the Alpine Region (doc. 14613/15).

² Doc. 14926/13 + ADD 1.

³ Doc. 16207/14.

- (3) RECOGNISES the importance of the Union's macro-regional strategies as a unique integrated framework to address common challenges faced by a defined geographical area covering Member States and third countries which thereby benefit from strengthened cooperation contributing to the achievement of economic, social and territorial cohesion;
- (4) REAFFIRMS that macro-regional strategies, based on the principles of no new EU funds, no additional EU formal structures and no new EU legislation, are an instrument for optimal use of existing financial resources, better use of existing institutions and better implementation of existing legislation;
- (5) WELCOMES the submission by the Commission of a single report on the implementation of all four above-mentioned macro-regional strategies¹;
- (6) WELCOMES the progress and first results of the strategies and their contribution to territorial cohesion, a more integrated implementation of the Union's sectoral policies, as well as closer relations with third countries, and REITERATES the need to cooperate closely with existing multilateral institutions and under existing agreements;
- (7) NOTES that all four strategies face common and individual challenges and can be further developed, notably regarding governance, result-orientation, purposeful funding, communication and cooperation;
- (8) CONSIDERS that the governance of the strategies could be further strengthened to improve their effectiveness; in this context, INVITES the participating countries and their regions
 - a) to maintain a strong political commitment together with a high sense of ownership for the implementation of their macro-regional strategies;
 - b) to improve coordination and cooperation in view of further enhancing the commitment to the strategies and their effective implementation;
 - c) to build the necessary administrative capacity to ensure that political commitment translates into effective implementation;

¹ Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation of EU macro-regional strategies, doc. 15792/16 + ADD 1.

- d) to empower key implementers (such as national coordinators, priority area coordinators/action group leaders, members of steering and actions groups) and increase the ownership of the involved line ministries;
 - e) to mobilize regions, cities, agencies and institutions such as universities, private businesses and civil society, encouraging them to network, cooperate and participate in the implementation and development of macro-regional strategies;
- (9) STRESSES that a stronger result-orientation and a focus on relevant priorities is likely to increase the overall performance, as well as the visibility of the strategies;
- (10) CALLS on the participating countries and their regions, in view of obtaining strong, tangible results and facilitating informed political decision-making and, to set, where relevant, clear targets and develop, in cooperation with the Commission, adequate indicators, which allow for a better monitoring and reporting of the results;
- (11) CALLS on participating countries and their regions and the Commission to further integrate macro-regional strategies and EU sectorial policies, and develop synergies among them, thereby improving the implementation of sectorial policies in an integrated way across territories;
- (12) CONSIDERS that while a sustainable contribution of the macro-regional strategies to territorial cohesion relies on long-term strategic thinking, the strategies should remain open to address new common challenges;
- (13) NOTES that the Commission intends to submit to the Council, in the course of this year, reports on Border Obstacles and on activities under the Urban Agenda for the EU, and LOOKS FORWARD to examine these reports, also against the background that their findings might help to improve the implementation of macro-regional strategies;
- (14) WELCOMES the funding possibilities for the macro-regional strategies provided by the legal framework of the European Structural and Investment Funds (ESI Funds) 2014-2020;
- (15) RECALLS that a relevant European territorial cooperation programme can financially support a macro-regional strategy, if the programme covers all or a part of a strategy, and CONSIDERS that the links between relevant European territorial cooperation programmes and macro-regional strategies should be further strengthened to their mutual benefit;

- (16) RECALLS that all relevant EU and national funding sources should be mobilized by the participating countries and their regions to ensure that adequate funding is available to implement the strategies and achieve the expected results;
- (17) CALLS, in this context, on
- a) the participating countries and their regions to ensure a better alignment of the ESI Funds programmes, IPA and ENI funds and macro-regional strategies, and to make best use of all other available funding sources (national, regional, municipal, private etc.);
 - b) the Commission to ensure, where appropriate and in full respect of the objectives and integrity of the programmes, the participation of macro-regional strategies in other EU funding programmes directly managed by the Commission, by formulating calls and actions in a way which allows for applications from macro-regional strategies;
 - c) the participating Member States and their regions and the Commission
 - i) to strengthen the links between the macro-regional strategies and EU funding sources, when designing, defining the objectives of and implementing the programmes;
 - ii) to reinforce accordingly the coherence between macro-regional objectives and priorities and those defined at national and regional level;
 - iii) to encourage an exchange between macro-regional coordinators and programmes operators in an appropriate multilevel governance system, using *inter alia* the capabilities of the INTERACT programme;
- (18) NOTES the need for more detailed, reliable and comparable data regarding the implementation of macro-regional strategies, and CALLS on the Commission to gather such data, taking into account the related administrative burden for stakeholders and making the best possible use of existing data sources and technical assistance means, and provide these data to the Council;
- (19) CONSIDERS that information on good practices which can be transferred from one strategy to another would facilitate the implementation, and CALLS on the Commission to support and organise the sharing and transfer of such practices *inter alia* in cooperation with the INTERACT programme;

- (20) CALLS on the Commission, participating countries and their regions to communicate the results achieved by the strategies as broadly as possible in order to increase the visibility of the strategies, in particular for the general public;
- (21) CONSIDERS that the Commission should continue to play a leading role in the strategic coordination of key delivery stages of the macro-regional strategies, in partnership with the Member States;
- (22) INVITES the Commission to continue supporting the implementation of macro-regional strategies where this brings added value, in particular in terms of strategic planning, monitoring, evaluation and communication, while AGREEING that monitoring and evaluation processes should involve all relevant stakeholders;
- (23) REMAINS open to examine any commonly agreed and mature initiative of Member States facing the same challenges in a defined geographic area aimed at setting up a new macro-regional strategy;
- (24) LOOKS FORWARD to the following single implementation report of the Commission by the end of 2018."

OTHER ITEMS APPROVED**FOREIGN AFFAIRS****Draft Council Conclusions on the European Court of Auditors' Special Report No 32/2016 on EU assistance to Ukraine**

The Council adopted conclusions taking note of the conclusions and recommendations made by the European Court of Auditors in its Special Report on EU assistance to Ukraine. The special report was issued in December 2016, and it examines whether Commission and European External Action Service assistance was effective in supporting the transformation of Ukraine.

The Council recalls that EU support for Ukraine needs to be carefully designed using the appropriate mix of instruments and closely linked to pre-defined reform milestones, benchmarks and assessment criteria.

Establishment of the position of the European Union for the 6th meeting of the EU-Tajikistan Cooperation Council

The Council approved the position of the EU for the EU-Tajikistan Cooperation Council taking place in Brussels on 15 May. In the Cooperation Council the EU and Tajikistan will take stock of progress made since the fifth Cooperation Council in February 2016, discuss the political, economic and socio-economic developments in Tajikistan and review the key aspects of the implementation of the EU-Central Asia Strategy.

The EU welcomes the progress made in cooperation under the EU's Central Asia Strategy and Tajikistan's close cooperation with the EU and other international actors in the reform process. The EU invites Tajikistan to implement a political reform agenda, to re-establish a degree of openness of the political space and to reverse restrictions on the valuable work of NGOs.

Ministerial Declaration of the Union for the Mediterranean (UfM) Water Ministers on the UFM Water Agenda

The Council adopted EU's position for the Union for the Mediterranean (UfM) Ministerial Meeting. The meeting will take place in Valetta on 27 April 2017, and it aims to enhance regional cooperation towards sustainable and integrated water management in the UfM region.

The Council recalls that being a limited natural resource, water requires policies and regulations to ensure availability, quality and sustainable management. The impact of climate change increases pressures on existing water resources, in particular in the Mediterranean region. The EU is committed to implement the 2030 Agenda for Sustainable Development which provides a framework for action towards sustainability, including on water and inter-linked sectors.

Sanctions against Myanmar/Burma

The Council renewed the restrictive measures against Myanmar/Burma until 30 April 2018. The sanctions were initially introduced by the Council in 1996 with a view to promoting progress towards democratisation. In 2013 the Council reviewed the restrictive measures against Burma/Myanmar with a view to encouraging continued positive developments. The sanctions are currently limited to a prohibition on the export of weapons and related material (arms embargo).

DEVELOPMENT

ACP-EU Council provisional agenda

The Council adopted the provisional agenda for the 42nd session of the ACP-EU Council of Ministers ([ACP-UE 2110/17](#)). The meeting will take place in Brussels on 5 May. The ACP-EU Council will be preceded by a meeting of the ACP-EU Development Finance Cooperation Committee, to be held on 4 May.

TRADE

Trade with Brazil

The Council adopted a decision confirming a bilateral agreement between the EU and Brazil on the modification of Croatia's schedule of concessions owing to its accession to the European Union.

ECONOMIC AND FINANCIAL AFFAIRS

Closure of the 2007-2013 cohesion and rural development programmes

The Council adopted conclusions on the European Court of Auditors' report entitled "An assessment of the arrangements for closure of the 2007-2013 cohesion and rural development programmes" ([7802/17](#)).

Money laundering and terrorist financing - Guyana and Ethiopia

The Council decided not to object to a Commission regulation amending regulation 2016/1675 supplementing directive 2015/849 on the prevention of money laundering and terrorist financing as concerns the identification of high-risk third countries ([7981/17](#) + [7677/17](#)).

The Commission regulation deletes Guyana from the table in point I of the annex to regulation 2016/1675 and adds Ethiopia to that table.

The regulation is a delegated act pursuant to article 290 of the Treaty on the Functioning of the European Union. It can now enter into force, unless the European Parliament objects.

VAT - Italy

The Council adopted a decision authorising Italy to continue applying a measure derogating from payment and invoicing requirements under directive 2006/112/EC on VAT ([8079/17](#) + [8078/17](#)).

The measure is aimed at preventing VAT fraud. The derogation applies to supplies of goods and services made to public authorities, and is broadened in scope to supplies made to companies controlled by central and local public authorities and to a list of listed companies.

The decision will apply from 1 July 2017 to 30 June 2020.

BUDGETS

Timetable for the negotiations on the 2018 EU budget

The Council approved the pragmatic calendar for this year's budgetary procedure including the dates for the conciliation period, as agreed during a trilogue between the presidency, the European Parliament and the Commission held on 27 March 2017 ([7734/17](#)).

EUROPEAN ECONOMIC AREA

Amendment to annex XX to the EEA agreement

The Council adopted a decision on the position to be adopted, on behalf of the EU, in the EEA joint committee concerning an amendment to annex XX (environment) to the EEA agreement ([7099/17](#)).

This amendment is necessary in order to incorporate regulation 510/2011 setting emission performance standards for new light commercial vehicles, as part of the Union's integrated approach to reduce CO₂ emissions and related legislative acts into the EEA agreement.

Amendment to annex IV to the EEA agreement

The Council adopted a decision on the position to be adopted, on behalf of the EU, in the EEA joint committee concerning an amendment to annex IV (Energy) to the EEA agreement ([7108/17](#)).

This amendment is necessary in order to incorporate the so called "Third energy package" into the EEA agreement.

JUSTICE AND HOME AFFAIRS

Control of firearms

The Council adopted a directive on control of the acquisition and possession of weapons, which revises and complements existing directive 91/477/ECC.

For more information, see the [press release](#).

Protection of the EU financial interests

The Council adopted a directive on the protection of the financial interests of the EU, the so-called PFI directive.

The directive provides common definitions of a number of offences against the EU budget. Those offences include cases of fraud and other related crimes such as active and passive corruption, the misappropriation of funds, money laundering, etc. It will improve the prosecution and sanctioning of crimes against EU finances, and facilitate the recovery of misused EU funds.

For more information, see the [press release](#).

Schengen evaluation

The Council adopted an implementing decision setting out a recommendation on addressing the shortcomings identified in the 2015 evaluation of Germany on the application of the Schengen acquis in the field of data protection ([8465/17](#)).

The Council adopted an implementing decision setting out a recommendation on addressing the shortcomings identified in the 2016 evaluation of Greece on the application of the Schengen acquis in the field of return ([8466/17](#)).

Schengen - Croatia

The Council adopted a decision on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Croatia ([8326/17](#)).

CUSTOMS UNION

Waiver on goods moved across the Neum corridor

The Council amended regulation 479/2013 on the waiver from the requirement to submit entry and exit summary declarations for Union goods that are moved across the Neum corridor, in order to align it with the Union Customs Code ([7155/17](#)).

The Neum corridor is where the territory of Bosnia and Herzegovina reaches the Adriatic coast, thus separating the area of Dubrovnik from the rest of Croatia.

AGRICULTURE

Catalogue of feed materials

The Council decided not to oppose the adoption of a Commission amendment to regulation 68/2013¹ on the catalogue of feed materials, which can be used by the feed business operators on a voluntary basis ([6913/17](#) + [ADD 1](#)).

The adopted amendments concern clarifications of the general provisions, new entries of treatment processes and feed materials and improvements of existing entries. Furthermore, they set maximum contents of chemical impurities, levels of botanical purity or levels of moisture content and establish compulsory declarations for the feed materials.

This Commission regulation is subject to the regulatory procedure with scrutiny. This means that, now that the Council has given its consent, the Commission may adopt the regulation, unless the European Parliament objects.

FISHERIES

EU framework for the collection, management and use of data in the fisheries sector

The Council adopted a regulation aimed at improving the collection, management and use of data in the fisheries sector ([PE-CONS 6/17](#)).

¹ OJ L 29 30.01.2013, p. 1.

The new rules simplify and strengthen the current system for the collection of biological, environmental, technical and socio-economic data.

For more information, see the [press release](#).

Multi-annual plan for demersal stocks in the North Sea: Council general approach

The Council agreed its negotiating position, also referred to as a general approach, on the multi-annual plan for demersal stocks in the North Sea ([7339/17](#)). The plan will be the first comprehensive long-term strategy for the North Sea aimed at managing a variety of species, fishing vessels and interested parties.

As soon as the European Parliament votes on its report, negotiations between the institutions can start.

For more information, see the [press release](#).

FORESTS

United Nations strategic plan for forests: Council conclusions

The Council adopted conclusions on the United Nations strategic plan for forests with a view to EU participation in the 12th session of the UN forum on forests ([8361/17](#)).

For more information, see the [press release](#).

TELECOMMUNICATIONS

Coordinated use of the 700 MHz frequency band

The Council adopted a decision to ensure the release of high-quality airwaves for wireless broadband services in all EU member states ([PE-CONS 5/17](#)). The decision will boost mobile connectivity and drive the roll-out of 5G technology.

For more information, see the [press release](#).

End of mobile roaming charges in the EU: reform of wholesale roaming markets

The Council adopted a regulation on the reform of wholesale roaming markets ([PE-CONS 7/17](#)). These rules limit how much operators may charge each other to allow mobile roaming across Europe. Now that the Council has adopted this legal act, the last requirement for abolishing mobile roaming fees for consumers has been met, and "roam like at home" can begin on 15 June 2017.

The Croatian, Cyprus, Greek and Spanish delegations voted against (c.f. statement: [7785/17 ADD1](#)).

For more information, see the [press release](#).

TRANSPORT

Repeal of three obsolete regulations in the field of transport

The Council adopted a regulation which repeals three regulations identified as being obsolete ([8025/1/17 REV 1](#)). The three regulations cover arrangements for structural improvements in the inland waterway sector; distribution quotas for heavy goods vehicles which the EU received from Switzerland; and authorisations for access for member states to the haulage market in Bulgaria and Romania.

TRANSPORT AND JUSTICE AND HOME AFFAIRS

Carriage of hazardous and noxious substances by sea

The Council adopted two decisions authorising member states to ratify and accede to the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea from 1996 ('1996 HNS Convention').

The aim of the protocol is to make it possible for compensation to be paid to victims of accidents involving hazardous and noxious substances, such as chemicals.

The protocol replaces the 1996 HNS Convention, which never came into force, owing to a lack of ratifications. As parts of the protocol fall under the EU's exclusive competence in the area of maritime transport, member states need to be authorised to be able to ratify or accede to it.

In addition, the protocol contains provisions that affect EU secondary legislation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. Those matters are covered by a separate Council decision.

[Council decision authorising member states to ratify and accede to the Protocol of 2010 with the exception of aspects related to judicial cooperation in civil matters](#)

[Council decision authorising member states to ratify and accede to the Protocol of 2010 with regard to aspects related to judicial cooperation in civil matters](#)

COMPETITION POLICY

EU-Japan cooperation agreement - opening of negotiations

The Council authorised the Commission to open negotiations on a cooperation agreement in the area of competition policy between the EU and Japan.

The future agreement will strengthen the existing cooperation agreement between the parties, which dates back to 2003, on anti-competitive activities.

INTERNAL MARKET

Construction products - thermal insulation products

The Council decided not to object to a Commission regulation on the classification of horizontal settlement and short-term water absorption performance for in-situ formed loose-fill cellulose thermal insulation products, pursuant to regulation 305/2011 laying down harmonised conditions for the marketing of construction products ([6757/17](#) and [6757/17 ADD1](#)).

The Commission regulation is a delegated act pursuant to article 290 of the Treaty on the Functioning of the EU. It can now enter into force, unless the European Parliament objects.

FOOD LAW

Health claims made on foods

The Council decided not to oppose the adoption of three Commission regulations refusing to authorise certain health claims made on foods ([7671/17](#), [7683/17](#), [7690/17](#)).

The Commission regulations are subject to the so-called regulatory procedure with scrutiny. This means that, now that the Council has given its consent, the Commission may adopt them, unless the European Parliament objects.

Authorisation of organic silicon in food supplements

The Council decided not to oppose the adoption of a Commission regulation authorising the use of organic silicon (monomethylsilanetriol) in the manufacture of food supplements ([7686/17](#)).

The Commission regulation is subject to the so-called regulatory procedure with scrutiny. This means that, now that the Council has given its consent, the Commission may adopt it, unless the European Parliament objects.

ENVIRONMENT

Mercury

The Council adopted a regulation which will provide a high level of protection for human health and the environment from emissions and releases of mercury and its compounds into the air, water and land ([7782/17](#) + [REV 1](#) + [ADD 1](#)).

The Council approved the European Parliament's position at first reading, as set out in PE-CONS 4/17. The new regulation will now be published in the Official Journal of the European Union, once both the President of the European Parliament and the Council have signed the act, and will enter into force 20 days after publication. The new rules provide greater legal clarity and transparency and will apply from 1 January 2018 replacing regulation (EC) No 1102/2008.

The regulation sets out provisions which will allow the Union and its member states to approve, ratify and implement the Minamata Convention on tackling mercury pollution globally and ensure that EU law is in line with the Convention.

For more information, read the [flash](#)

For more information about Minamata Convention, see the [website](#).

Stockholm Convention on Persistent Organic Pollutants

The Council took a decision on the position to be adopted, on behalf of the EU, at the eighth meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants with regard to the proposals for amendments to Annexes A, B and C. The meeting will take place in Geneva from 24 April to 5 May 2017.

The Stockholm Convention on Persistent Organic Pollutants was adopted in May 2001. The EU and its member states are parties to the Convention and the provisions of the Convention have been implemented in Union law by regulation (EC) 850/2004¹ of the European Parliament and of the Council on persistent organics pollutants.

For more details on Stockholm Convention click [here](#).

EU Ecolabel

The Council decided not to oppose the adoption of a Commission decision amending Decision 2014/350/EU establishing the ecological criteria for the award of the EU Ecolabel for textile products ([5932/17](#) + [ADD 1](#)).

The Commission decision is subject to the so-called regulatory procedure with scrutiny. This means that, now that the Council has given its consent, the Commission may adopt the decision, unless the European Parliament objects.

The EU Ecolabel helps consumers identify products and services that have a reduced environmental impact throughout their life cycle, from the extraction of raw material through to production, use and disposal. It is a voluntary label promoting environmental excellence.

¹ Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 158, 30.4.2004, p. 7).

Type-approval and real-driving emissions

The Council decided not to oppose the adoption of two new Commission regulations:

- introducing a number of corrections to directive 2007/46/EC, regulation 582/2011 and a regulation still to be adopted to ensure the right application of the type-approval measures on light- & heavy- duty motor vehicles. In so doing, it will comply with certain emissions limits and guarantee the access to repair and maintenance information ([6214/17](#) + [ADD 1](#)).
- amending Commission regulation (EU) 2017/xxx and directive 2007/46/EC as regards to real-driving emissions from light passenger and commercial vehicles. New provisions are incorporated to the existing RDE test procedure to evaluate, measure and limit emissions from Nitrogen Oxide, particle number and those derived from cold start in those vehicles ([6215/17](#) + [ADD 1](#)).

The Commission regulations are subject to the so-called regulatory procedure with scrutiny. This means that, now that the Council has given its consent, the Commission may adopt the regulations, unless the European Parliament objects.

Eco-management in the food and beverage manufacturing sector

The Council decided not to oppose the adoption of a Commission decision concerning the EU's eco-management and audit scheme (EMAS) organisations in the food and beverage manufacturing sector ([6223/17](#) + [ADD 1](#)). The decision refers to the sectoral reference document indicating the best environmental management practice, sector environmental performance indicators and benchmarks of excellence for this sector under regulation (EC) No 1221/2009.

This Commission decision is subject to the so-called regulatory procedure with scrutiny. This means that, now that the Council has given its consent, the Commission may adopt the decision, unless the European Parliament objects.

Organisations in and outside the EU are encouraged to participate on a voluntary basis to the EU's eco-management and audit scheme. Those registered are required to complete and take into account sectoral reference documents when developing their environmental management system and when assessing their environmental performance in the environmental statement.

Exemptions for lead and cadmium in specific applications and standards

The Council decided not to object to Commission delegated directives amending Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards exemptions for:

- lead in white glasses used for optical applications ([7415/17](#) + [ADD 1](#));
- cadmium and lead in filter glasses and glasses used for reflectance standards ([7316/17](#) + [ADD 1](#));
- lead in bearing shells and bushes for refrigerant-containing hermetic scroll compressors with a stated electrical power input equal or below 9 kW for heating, ventilation, air conditioning and refrigeration (HVACR) applications ([7317/17](#) + [ADD 1](#)).

Directive 2011/65/EU (RoHS 2) restricts the use of certain hazardous substances in electrical and electronic equipment. These exemptions have been granted to lead and cadmium in these specific applications and standards for the purpose of adapting to scientific and technical progress and ensuring legal certainty and sustainable market conditions for manufacturers.

These directives are delegated acts pursuant to article 290 of the Treaty on the Functioning of the EU. Those can enter into force now, unless the European Parliament objects.

TRANSPARENCY

Public access to documents

On 7 April 2017, the Council adopted the reply to confirmatory application No 04/c/01/17 ([6722/1/17 REV 1](#)) by written procedure.
